

Executive Administrator Report

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March 2021

NCSBN Upcoming Meetings:

- 2021 APRN Roundtable is April 6 (virtual)
- 2021 NCSBN Basic Board of Nursing Investigator Training is April 19 – 22 (virtual)
- NLC Spring Conference is May 5 (virtual)
- NCSBN Discipline Case Management Conference is May 19-20 (virtual)
- 2021 NCSBN Annual Meeting is August 18 – 20 in Chicago, IL (virtual)
 - Board President and Executive Administrator are voting delegates
 - Attendees:
- 2021 NCSBN NCLEX Conference is September 30 (virtual)
- 2021 NCSBN Basic Board of Nursing Investigator Training is October 25 – 28 (virtual)

COVID-19 Agency Response:

- Governor Kelly declared a State of Disaster Emergency on March 12, 2020
- Three top priorities I continue to have for our agency are: 1) Keep the employees safe and decrease their chance of exposure in the workplace, 2) All employees keep their jobs in an uncertain time and 3) Keep the functions of the agency continuing during the pandemic.
- Presently 70% of our employees are teleworking effectively and will continue to telework until further notice
- KSBN updates, now monthly, continue to aid in communication
- Communication with KSNA Director, KHA and other stakeholders as needed
- Changes we have made within the agency for safety include:
 - Six feet social distance floor stickers between employee workstations
 - Video intercom installed at agency front door to gain access to the agency for non-employees
 - The number in our lobby should be no more than 2 at a time due to social distancing requirements
 - We are highly recommending the public conduct their business with us via online services, mail, phone call or email
 - If customers need to talk with someone, it is highly recommended they make an appointment so we can service them when they arrive. One person per appointment and no children or other adults are permitted
 - Telephone appointments are also available
 - We NO longer perform fingerprinting services in the agency
 - Staff must wear masks when outside their offices/workspace
- I continue to be proud of the agency staff for their flexibility in these challenging times and their commitment to the mission of the Board
- COVID-19 vaccination has been made available for our staff, if they choose

State of Emergency Declaration:

- The current state of emergency declaration is via SB 14 (attached) and expires on March 31, 2021
- Pursuant to Executive Order 21-02 (attached), all complete renewal applications for licenses expired or set to expire between March 12, 2020 and February 28, 2021, as well as any required continuing education, will be considered timely if received by the Board on or before March 31, 2021.
- The Board will consider the renewal application late and the license expired or lapsed if received after March 31, 2021, and a late fee, if applicable, will be assessed

Senate Bill 14 (attached):

- This bill was passed by the Legislature on January 25, 2021
- This act concerns the governmental response to the COVID-19 pandemic in Kansas. It contains provisions that impact nurses supporting a healthcare facility's response to the COVID-19 pandemic.
- Here is a brief overview of these provisions:
 - APRNs employed to support a facility's response to the COVID-19 pandemic may work as necessary without direction and supervision from a responsible physician. A RNA may work as necessary to support the facility's response to the pandemic without direction and supervision from a physician **(expires 3/31/2021)**
 - RNs or LPNs may order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19 for the purposes of testing **(expires 3/31/2021)**
 - LPNs may provide healthcare services appropriate to their education, training and experience when employed or contracted to work to support the facility's response to the pandemic without direction from a RN **(expires 3/31/2021)**
 - Allows a registered nurse who is serving in the military to volunteer or work within a facility in roles that are appropriate to their education, training or experience **(expires 3/31/2021)**
 - A nurse licensed and in good standing in another state may practice as a nurse in the state of Kansas **(expires 3/31/2021)**
 - Nurses meeting the requirements of this act may have their license reinstated within five years of lapse without the requirements of continuing education and payment of a fee. **Nurses wanting this provision will be given a temporary license that expires on 3/31/2021.** After that date, the nurse may apply for reinstatement of license and meet the requirements of reinstatement **(expires 3/31/2021)**
 - Allow a student who is enrolled in a program to become a licensed, registered or certified healthcare professional to volunteer for work within such facility in roles that are appropriate to such student's education, training and experience **(expires 3/31/2021)**

KACCT letter:

- Received the attached letter from KACCT. I responded I would have it available for the Board to review at the March 2021 meeting

Budget:

- Governor's Recommended Budget made no changes to the FY 21, 22 & 23 budgets I submitted. Testified at budget hearings in the House and Senate.
- Includes funding in FY 22 for the Enforcement Module and software and hardware updates for the data center

Regulation Revisions:

- Undergraduate nursing program regulations – continue to work on requested revisions

2021 Legislative Session:

- There have been 705 (282 Senate and 423 House) bills introduced since the session started on January 11
- I have been tracking the ones that impact nursing, healthcare, budget, administration regulations and occupational licensing
- My bill tracker report is attached that details the bill number, description, current status and last action on the bills I am tracking
- Senate Concurrent Resolution No. 1609 and House Concurrent Resolution No. 50141 are attached. Both would amend the constitution of the state of Kansas to give legislative oversight of administrative rules and regulations.

Meetings Attended:**Agency Updates:**

- Board member positions: one LPN Board member position open
- Board member terms:
 - Patricia Zeller, 07-01-2018 to 06-30-2022 (second term)
 - Carol Bragdon, 07-01-2017 to 06-30-2021 (second term)
 - Julianna Rieschick, 07-01-2017 to 06-30-2021 (first term)
 - Rebecca Sander, 07-01-2016 to 06-30-2024 (second term)
 - Gwendolyn Loyd, 07-01-2019 to 06-30-2023 (first term)
 - Gita Noble, 07-01-2018 to 06-30-2022 (first term)
 - Jade Ramsdell, 07-01-2019 to 06-30-2023 (first term)
 - Andrea Watson, 7-1-2020 to 6-30-2024 (first term)
 - Adri Gouldsmith, 7-1-2019 to 6-30-2023 (first term)
 - Giovannie Gone, 7-1-2020 to 6-30-2024 (first term)
- Agency vacancies (*strategic plan, priority 2*): A RN Investigator, Senior Administrative Assistants for Licensing, Education and Administration (Document Imager)

- Board member orientation (strategic plan, priority 2): Planning an orientation update for interested Board members before March 2021 meeting
- Agency record retention (strategic plan, priority 2): KSBN has been on an agency-wide endeavor to increase our document imaging footprint for all departments. Revision to the record retention schedule for the Investigative Records was approved by the State Records Committee
- Monitor fiscal impact of NLC implementation (strategic plan, priority 2): Continue to monitor monthly agency financial reports. No decrease in agency fee fund since implementation of NLC on 7/1/19.
- Streamlining agency processes: Every division is continuing to streamline their processes as much as possible, which makes teleworking more productive when the information is electronic.

Projects/Collaboration:

- Member of the NLC Training and Education Committee. We are planning our part of the NLC Conference on May 5
- RaeAnn Byrd, Licensing Supervisor and I recorded a presentation on nursing licensure in Kansas to be presented at the KSBN 2021 Legislative Conference

SENATE BILL No. 14

AN Act concerning governmental response to the COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to limitations on business liability associated with the COVID-19 public health emergency; amending K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas and 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 4 of this act, and K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2020 Supp. 41-2653 is hereby amended to read as follows: 41-2653. (a) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more opened containers of alcoholic liquor, subject to the following conditions:

(1) It must be legal for the licensee to sell the alcoholic liquor in its original container;

(2) the alcoholic liquor must be in its original container;

(3) each container of alcoholic liquor must have been purchased by a patron and the alcoholic liquor in each container must have been partially consumed on the licensed premises;

(4) the licensee or the licensee's employee must provide the patron with a dated receipt for the unfinished container or containers of alcoholic liquor; and

(5) before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must securely reseal each container, place the container in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

(b) (1) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the provisions of subsection (a), a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more containers of alcoholic liquor that is not in the original container, subject to the following conditions:

(A) It must be legal for the licensee to sell the alcoholic liquor;

(B) each container of alcoholic liquor must have been purchased by a patron on the licensed premises;

(C) the licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor; and

(D) before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must place the container in a tamper-proof, transparent bag which is sealed in a manner that makes it

follows: 48-924. (a) The governor shall be responsible for meeting the dangers to the state and people presented by disasters.

(b) (1) Subject to the provisions of K.S.A. 2020 Supp. 48-924b, and amendments thereto, the governor, upon finding that a disaster has occurred or that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a state of disaster emergency.

(2) In addition to or instead of the proclamation authorized by K.S.A. 47-611, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 47-611, and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency. In addition to or instead of any actions pursuant to the provisions of K.S.A. 2-2114, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among plants, raw agricultural commodities, animal feed or processed food of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency.

(3) The state of disaster emergency so declared shall continue until the governor finds that the threat or danger of disaster has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist. Upon making such findings the governor shall terminate the state of disaster emergency by proclamation, but except as provided in paragraph (4), no state of disaster emergency may continue for longer than 15 days unless ratified by concurrent resolution of the legislature, with the single exception that upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended once for a specified period not to exceed 30 days beyond such 15-day period.

(4) If the state of disaster emergency is proclaimed pursuant to paragraph (2), the governor shall terminate the state of disaster emergency by proclamation within 15 days, unless ratified by concurrent resolution of the legislature, except that when the legislature is not in session and upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended for a specified period not to exceed 30 days. The state finance council may authorize additional extensions of the state of disaster emergency by a unanimous vote of the legislative members thereof for specified periods not to exceed 30 days each. Such state of disaster emergency shall be terminated on the 15th day of the next regular legislative session following the initial date of the state of disaster emergency unless ratified by concurrent resolution of the legislature.

(5) The state of disaster emergency described in K.S.A. 2020 Supp. 48-924b, and amendments thereto, shall terminate on September 15, 2020, as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto, except that when the legislature is not in session *or is adjourned during session for three or more days*, and upon specific application by the governor to the state finance council and an

terminating the state of disaster emergency.

(7) Any proclamation declaring or terminating a state of disaster emergency which is issued under this subsection shall indicate the nature of the disaster, the area or areas threatened or affected by the disaster and the conditions which have brought about, or which make possible the termination of, the state of disaster emergency. Each such proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent the same, each such proclamation shall be filed promptly with the division of emergency management, the office of the secretary of state and each city clerk or county clerk, as the case may be, in the area to which such proclamation applies.

(c) In the event of the absence of the governor from the state or the existence of any constitutional disability of the governor, an officer specified in K.S.A. 48-1204, and amendments thereto, in the order of succession provided by that section, may issue a proclamation declaring a state of disaster emergency in the manner provided in and subject to the provisions of subsection (a). During a state of disaster emergency declared pursuant to this subsection, such officer may exercise the powers conferred upon the governor by K.S.A. 48-925, and amendments thereto. If a preceding officer in the order of succession becomes able and available, the authority of the officer exercising such powers shall terminate and such powers shall be conferred upon the preceding officer. Upon the return of the governor to the state or the removal of any constitutional disability of the governor, the authority of an officer to exercise the powers conferred by this section shall terminate immediately and the governor shall resume the full powers of the office. Any state of disaster emergency and any actions taken by an officer under this subsection shall continue and shall have full force and effect as authorized by law unless modified or terminated by the governor in the manner prescribed by law.

(d) A proclamation declaring a state of disaster emergency shall activate the disaster response and recovery aspects of the state disaster emergency plan and of any local and interjurisdictional disaster plans applicable to the political subdivisions or areas affected by the proclamation. Such proclamation shall be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials or facilities assembled, stockpiled or arranged to be made available pursuant to this act during a disaster.

(e) The governor, when advised pursuant to K.S.A. 74-2608, and amendments thereto, that conditions indicative of drought exist, shall be authorized to declare by proclamation that a state of drought exists. This declaration of a state of drought can be for specific areas or communities, can be statewide or for specific water sources and shall effect immediate implementation of drought contingency plans contained in state approved conservation plans, including those for state facilities.

Sec. 3. K.S.A. 2020 Supp. 48-924b is hereby amended to read as follows: 48-924b. (a) The state of disaster emergency that was declared

May 13, 2020, for an additional 12 days through May 26, 2020, and declared by proclamation on May 26, 2020, *which was ratified and continued in existence through September 15, 2020, by this section, extended and continued in existence by the state finance council on September 11, 2020, for an additional 30 days through October 15, 2020, extended and continued in existence by the state finance council on October 7, 2020, for an additional 30 days through November 15, 2020, extended and continued in existence by the state finance council on November 13, 2020, for an additional 30 days through December 15, 2020, extended and continued in existence by the state finance council on December 11, 2020, for an additional 26 days through January 10, 2021, and extended and continued in existence by the state finance council on January 6, 2021, for an additional 16 days through January 26, 2021,* for all 105 counties of Kansas, is hereby ratified and continued in existence from March 12, 2020, through ~~September 15, 2020~~ March 31, 2021.

(b) The governor shall not proclaim any new state of disaster emergency related to the COVID-19 health emergency during 2020 or 2021, unless the governor makes specific application to the state finance council and an affirmative vote of at least six of the legislative members of the council approve such action by the governor.

Sec. 4. On and after January 26, 2021, K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing herein shall restrict the authority of the governor to do so by orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation ~~thereof of this act~~, the governor may issue orders ~~and proclamations which shall to exercise the powers conferred by subsection (c) that~~ have the force and effect of law during the period of a state of disaster emergency declared under ~~subsection (b) of K.S.A. 48-924(b)~~, and amendments thereto, ~~and which or as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto. Within 24 hours of the issuance of any such order, the governor shall call a meeting of the state finance council for the purposes of reviewing such order. Such orders and proclamations shall be null and void thereafter unless ratified by concurrent resolution of the legislature after the period of a state of disaster emergency has ended. Such orders and proclamations may be revoked at any time by concurrent resolution of the legislature.~~

(c) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, ~~and in addition to any other powers conferred upon the governor by law and subject to the provisions of subsection (d), (e) and (f),~~ the governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict

departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

(4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;

(5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(6) prescribe routes, modes of transportation and destinations in connection with such evacuation;

(7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;

(8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;

(9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties in conformity with the constitution and the bill of rights of the state of Kansas and with the statutes of the state of Kansas, except any regulatory statute specifically suspended under the authority of subsection (c)(1), as are necessary to promote and secure the safety and protection of the civilian population.

(d) *The governor shall not have the power or authority to temporarily or permanently seize, or authorize seizure of, any ammunition or to suspend or limit the sale, dispensing or transportation of firearms or ammunition pursuant to subsection (c)(8) or any other executive authority.*

(e) *Notwithstanding any provision of this section to the contrary and pursuant to the governor's state of disaster emergency proclamation issued on May 26, 2020, the governor shall not have the power or authority to restrict businesses from operating or to restrict the movement or gathering of individuals. The provisions of this subsection shall expire on September 15, 2020.*

(f) *The governor shall not have the power under the provisions of the Kansas emergency management act or the provisions of any other law to alter or modify any provisions of the election laws of the state including, but not limited to, the method by which elections are conducted or the timing of such elections.*

(g) The governor shall exercise the powers conferred by subsection (c) by issuance of orders under subsection (b). Each order issued pursuant to the authority granted by subsection (b) shall specify the provision or provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the order was issued. The adjutant general, subject to the direction of the governor, shall administer such orders.

(h) *The board of county commissioners of any county may issue an order relating to public health that includes provisions that are less*

of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county; and

(3) all other relevant findings to support the board's decision.

Sec. 5. On and after March 31, 2021, K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 4 of this act, is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing herein shall restrict the authority of the governor to do so by orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation of ~~this act thereof~~, the governor may issue orders to exercise the powers conferred by subsection (c) ~~that~~ and proclamations which shall have the force and effect of law during the period of a state of disaster emergency declared under subsection (b) of K.S.A. 48-924(b), and amendments thereto, ~~or as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto. Within 24 hours of the issuance of any such order, the governor shall call a meeting of the state finance council for the purposes of reviewing such order. Such and which orders and proclamations~~ shall be null and void after the period of a state of disaster emergency has ended thereafter unless ratified by concurrent resolution of the legislature. Such orders and proclamations may be revoked at any time by concurrent resolution of the legislature.

(c) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, and in addition to any other powers conferred upon the governor by law and subject to the provisions of subsection (d), (e) and (f), the governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute, order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;

(2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;

(3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

(4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;

(5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties in conformity with the constitution and the bill of rights of the state of Kansas and with the statutes of the state of Kansas, except any regulatory statute specifically suspended under the authority of subsection (c)(1), as are necessary to promote and secure the safety and protection of the civilian population.

~~(d) The governor shall not have the power or authority to temporarily or permanently seize, or authorize seizure of, any ammunition or to suspend or limit the sale, dispensing or transportation of firearms or ammunition pursuant to subsection (c)(8) or any other executive authority.~~

~~(e) Notwithstanding any provision of this section to the contrary and pursuant to the governor's state of disaster emergency proclamation issued on May 26, 2020, the governor shall not have the power or authority to restrict businesses from operating or to restrict the movement or gathering of individuals. The provisions of this subsection shall expire on September 15, 2020.~~

~~(f) The governor shall not have the power under the provisions of the Kansas emergency management act or the provisions of any other law to alter or modify any provisions of the election laws of the state including, but not limited to, the method by which elections are conducted or the timing of such elections.~~

~~(g) The governor shall exercise the powers conferred by subsection (c) by issuance of orders under subsection (b). Each order issued pursuant to the authority granted by subsection (b) shall specify the provision or provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the order was issued. The adjutant general, subject to the direction of the governor, shall administer such orders.~~

~~(h) The board of county commissioners of any county may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the governor. Any board of county commissioners issuing such an order must make the following findings and include such findings in the order:~~

~~(1) The board has consulted with the local health officer or other local health officials regarding the governor's executive order;~~

~~(2) following such consultation, implementation of the full scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county; and~~

~~(3) all other relevant findings to support the board's decision.~~

Sec. 6. K.S.A. 2020 Supp. 48-925a is hereby amended to read as follows: 48-925a. (a) ~~On and after September 15, 2020, During any state of disaster emergency related to the COVID-19 public health emergency declared pursuant to K.S.A. 48-924, and amendments thereto, the governor may not issue an order the closure or cessation of any that substantially burdens or inhibits the gathering or movement of individuals or operation of any religious, civic, business or commercial~~

~~the governor may not order the closure or cessation of business or commercial activity, except upon specific application by the governor to the state finance council and an affirmative vote of at least six of the legislative members of the council, the governor may order the closure or cessation of business or commercial activity as approved by the council for specified periods not to exceed 30 days each.~~

(b) Any order issued that violates or exceeds the restrictions provided in subsection (a) shall not have the force and effect of law during the period of a state of disaster emergency declared under K.S.A. 48-924(b), and amendments thereto, and any such order shall be null and void.

(c) The provisions of this section shall expire on ~~January 26~~ *March 31, 2021.*

Sec. 7. K.S.A. 2020 Supp. 48-963 is hereby amended to read as follows: 48-963. (a) A physician may issue a prescription for or order the administration of medication, including a controlled substance, for a patient without conducting an in-person examination of such patient.

(b) A physician under quarantine, including self-imposed quarantine, may practice telemedicine.

(c) (1) A physician holding a license issued by the applicable licensing agency of another state may practice telemedicine to treat patients located in the state of Kansas, if such out-of-state physician:

(A) Advises the state board of healing arts of such practice in writing and in a manner determined by the state board of healing arts; and

(B) holds an unrestricted license to practice medicine and surgery in the other state and is not the subject of any investigation or disciplinary action by the applicable licensing agency.

(2) The state board of healing arts may extend the provisions of this subsection to other healthcare professionals licensed and regulated by the board as deemed necessary by the board to address the impacts of COVID-19 and consistent with ensuring patient safety.

(d) A physician practicing telemedicine in accordance with this section shall conduct an appropriate assessment and evaluation of the patient's current condition and document the appropriate medical indication for any prescription issued.

(e) Nothing in this section shall supersede or otherwise affect the provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020 Supp. 40-2,215, and amendments thereto.

(f) As used in this section:

(1) "Physician" means a person licensed to practice medicine and surgery.

(2) "Telemedicine" means the delivery of healthcare services by a healthcare provider while the patient is at a different physical location.

(g) This section shall expire on ~~January 26~~ *March 31, 2021.*

Sec. 8. K.S.A. 2020 Supp. 48-965 is hereby amended to read as follows: 48-965. (a) Notwithstanding any statute to the contrary, the state board of healing arts may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the board to an applicant with qualifications the board deems sufficient to protect public safety and welfare within the scope of professional practice authorized by the temporary emergency license for the purpose

and experience within a designated healthcare facility at which the physician assistant is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without a written agreement with a supervising physician. Such physician assistant shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such physician assistant's lack of written agreement with a supervising physician.

(b) Notwithstanding the provisions of K.S.A. 65-1130, and amendments thereto, or any other statute to the contrary, a licensed advanced practice registered nurse may provide healthcare services appropriate to such advanced practice registered nurse's education, training and experience within a designated healthcare facility at which the advanced practice registered nurse is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction and supervision from a responsible physician. Such advanced practice registered nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such advanced practice registered nurse's lack of direction and supervision from a responsible physician.

(c) Notwithstanding the provisions of K.S.A. 65-1158, and amendments thereto, or any other statute to the contrary, a registered nurse anesthetist may provide healthcare services appropriate to such registered nurse anesthetist's education, training and experience within a designated healthcare facility at which the registered nurse anesthetist is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction and supervision from a physician. Such registered nurse anesthetist shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such registered nurse anesthetist's lack of direction and supervision from a physician.

(d) Notwithstanding the provisions of K.S.A. 65-1113, and amendments thereto, or any other statute to the contrary:

(1) A registered professional nurse or licensed practical nurse may order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19 for purposes of testing; and

(2) a licensed practical nurse may provide healthcare services appropriate to such licensed practical nurse's education, training and experience within a designated healthcare facility at which the licensed practical nurse is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction from a registered professional nurse. Such licensed practical nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such licensed practical nurse's lack of supervision from a registered professional nurse.

(e) Notwithstanding the provisions of K.S.A. 65-1626a, and amendments thereto, or any other statute to the contrary, a licensed pharmacist may provide care for routine health maintenance, chronic disease states or similar conditions appropriate to such pharmacist's education, training and experience within a designated healthcare facility at which the pharmacist is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic

holds a license that is exempt or inactive or whose license has lapsed within the past five years from the effective date of this act may provide healthcare services appropriate to the nurse's education, training and experience. Such registered professional nurse or licensed practical nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such nurse's exempt, inactive or lapsed license.

(g) Notwithstanding any other provision of law to the contrary, a designated healthcare facility may, as necessary to support the facility's response to the COVID-19 pandemic:

(1) Allow a student who is enrolled in a program to become a licensed, registered or certified healthcare professional to volunteer for work within such facility in roles that are appropriate to such student's education, training and experience;

(2) allow a licensed, registered or certified healthcare professional or emergency medical personnel who is serving in the military in any duty status to volunteer or work within such facility in roles that are appropriate to such military service member's education, training and experience; and

(3) allow a medical student, physical therapist or emergency medical services provider to volunteer or work within such facility as a respiratory therapist extender under the supervision of a physician, respiratory therapist or advanced practice registered nurse. Such respiratory therapist extender may assist respiratory therapists and other healthcare professionals in the operation of ventilators and related devices and may provide other healthcare services appropriate to such respiratory therapist extender's education, training and experience, as determined by the facility in consultation with such facility's medical leadership.

(h) Notwithstanding any statute to the contrary, a healthcare professional licensed and in good standing in another state may practice such profession in the state of Kansas. For purposes of this subsection, a license that has been suspended or revoked or a licensee that is subject to pending license-related disciplinary action shall not be considered to be in good standing. Any license that is subject to limitation in another state shall be subject to the same limitation in the state of Kansas. Such healthcare professional shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such healthcare professional's lack of licensure in the state of Kansas.

(i) Notwithstanding any statute to the contrary, a designated healthcare facility may use a qualified volunteer or qualified personnel affiliated with any other designated healthcare facility as if such volunteer or personnel was affiliated with the facility using such volunteer or personnel, subject to any terms and conditions established by the secretary of health and environment.

(j) Notwithstanding any statute to the contrary, a healthcare professional may be licensed, certified or registered or may have such license, certification or registration reinstated within five years of lapse or renewed by the applicable licensing agency of the state of Kansas without satisfying the following conditions of licensure, certification or registration:

certification in basic life support, advanced cardiac life support or first aid shall remain valid if such professional certification is due to expire or be canceled while the state of disaster emergency proclamation issued by the governor in response to the COVID-19 pandemic is in effect.

(l) Notwithstanding any statute to the contrary, fingerprinting of any individual shall not be required as a condition of licensure and certification for any hospital, as defined in K.S.A. 65-425, and amendments thereto, adult care home, county medical care facility or psychiatric hospital.

(m) As used in this section:

(1) "Appropriate to such professional's education, training and experience," or words of like effect, shall be determined by the designated healthcare facility in consultation with such facility's medical leadership; and

(2) "designated healthcare facility" means:

(A) Entities listed in K.S.A. 40-3401(f), and amendments thereto;

(B) state-owned surgical centers;

(C) state-operated hospitals and veterans facilities;

(D) entities used as surge capacity by any entity described in subparagraphs (A) through (C);

(E) adult care homes; and

(F) any other location specifically designated by the governor or the secretary of health and environment to exclusively treat patients for COVID-19.

(n) The provisions of this section shall expire on ~~January 26-~~
~~March 31, 2021.~~

Sec. 10. K.S.A. 2020 Supp. 60-5504 is hereby amended to read as follows: 60-5504. (a) Notwithstanding any other provision of law, a person, or an agent of such person, conducting business in this state shall be immune from liability in a civil action for a COVID-19 claim if such person was acting pursuant to and in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued.

(b) The provisions of this section shall expire on ~~January 26-~~
~~March 31, 2021.~~

Sec. 11. K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504 are hereby repealed.


Sec. 12. On and after January 26, 2021, K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, is hereby repealed.

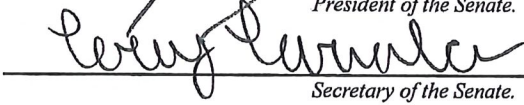
Sec. 13. On and after March 31, 2021, K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 4 of this act, is hereby repealed.

SENATE BILL No. 14—page 12

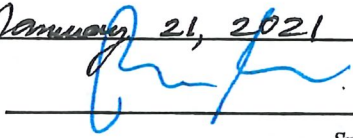
Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.


I hereby certify that the above BILL originated in the
SENATE, and passed that body

January 14, 2021



President of the Senate.


Secretary of the Senate.

Passed the House January 21, 2021


Speaker of the House.


Chief Clerk of the House.

APPROVED January 25, 2021


Governor.

STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612



PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 21-02

Extending certain executive orders relating to the COVID-19 pandemic

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 25,018,000 cases of the illness and more than 417,000 deaths as a result of the illness across the United States;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and the Kansas Legislature extended that State of Disaster Emergency to March 31, 2021 by enacting Senate Bill 14 during the 2021 Legislation Session;

WHEREAS, as of this date, there have been over 269,255 positive cases of COVID-19 in Kansas, spread among all 105 counties and 3,622 deaths as a result of the illness;

WHEREAS, since March 12, 2020, I have issued emergency executive orders to address or combat the COVID-19 pandemic and its effects on Kansans;

WHEREAS, several of those orders expire on January 26, 2021, yet the reasons for those orders persist and they remain necessary to enable the state to respond to and deal with the spread of COVID-19;

WHEREAS, the Legislature, by Senate Bill 14 enacted during the 2021 Legislative Session, has extended the State of Disaster Emergency relating to COVID-19 through March 31, 2021; and

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans.

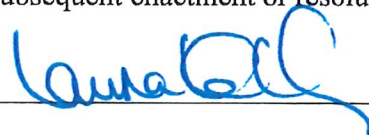
NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925(b), including the specific subsections of K.S.A. 48-925(c) set out in each of the individual orders listed below, to continue the emergency response efforts and other measures dealing with the COVID-19 pandemic I hereby direct and order the following:

1. Each executive order listed below is incorporated herein by reference and is hereby re-issued and remains in effect until the statewide State of Disaster Emergency extended by Senate Bill 14, enacted during the 2021 Legislative Session, relating to COVID-19 expires, or until the order is rescinded, whichever is earlier.
 - a. 20-37 – Allowing certain deferred tax deadlines and payments during state of disaster emergency
 - b. 20-39 – Extending professional and occupational licenses during state of disaster emergency
 - c. 20-40 – Temporarily allowing notaries and witnesses to act via audio-video communication technology during state of disaster emergency
 - d. 20-43 – Temporary relief from certain restrictions concerning shared work programs during state of disaster emergency
 - e. 20-56 – Amended Licensure, Certification, and Registration for persons and Licensure of “Adult Care Homes” during state of disaster emergency
 - f. 20-61 – Temporarily prohibiting certain foreclosures and evictions
 - g. 20-66 – Amended provisions related to drivers’ license and vehicle registration and regulation during state of disaster emergency
 - h. 20-70 – Provisions related to drivers’ license and identification cards during the state of disaster emergency
2. This order supersedes and amends the expiration dates noted in each executive order listed in paragraph 1 above.

This document shall be filed with the Secretary of State as Executive Order No. 21-02. It shall become effective immediately and remain in force until the earlier of its rescission or the expiration of the statewide State of Disaster Emergency extended by Section 3 of Senate Bill 14 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution.

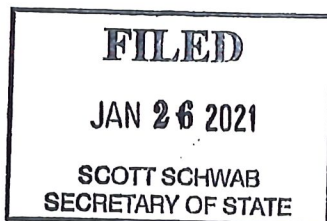
THE GOVERNOR’S OFFICE

BY THE GOVERNOR




DATED

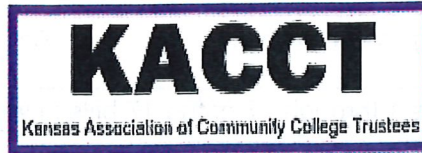
1.26.21



Secretary of State



Assistant Secretary of State



January 13th, 2020

Kansas State Board of Nursing
900 SW Jackson St. # 1051
Topeka, KS 66612

Executive Administrator Moreland:

We are writing the Kansas State Board of Nursing (KSBN) to express our collective desire to continue the dialog with the Kansas Board of Nursing as we navigate through COVID-19. KSBN has been very accommodating to our institutions throughout this COVID-19 pandemic by allowing us to conduct lectures via zoom and other modalities without having to submit a curriculum change. KSBN has also allowed institutions to add virtual simulation to help meet some of the clinical requirements. Unfortunately, COVID-19 has had a dramatic impact on our nursing programs, including our inability to continue clinical training in hands-on health care settings. This has been challenging as many facilities have not allowed our students to receive training in the traditional hands-on fashion. As a result, our faculty have not been able to spend as much time working directly with students and patients in an actual health care setting to ensure students' skills are adequately prepared for an actual health care setting. We have done our best to train using virtual training methodologies, but there is no substitution for students having the opportunity for hands-on learning. We understand the KSBN is considering implementing a change in clinical hour requirements that would establish a standard where at least 50% of clinical hours need to be provided to students in face-to-face settings. While we hope to never again face a pandemic like COVID-19, we feel there is a need to plan as if we may face another similar situation, and with this in mind we encourage KSBN to ensure that any changes related to clinical hours being required face-to-face also have an emergency provision which would allow this to be waived if another emergency arises.

Our sector is committed to ensuring a well-trained and high-quality health care workforce exists in Kansas and is ready to meet the healthcare needs of all Kansans. However, given the backdrop of COVID-19 and the challenges experienced within the past year and the pending increase in the KSBN program benchmark standard changes, we urge the KSBN to dialog with each nursing program to understand and identify any extenuating circumstances faced by each program during this unprecedented year. Please understand we are collectively writing to you, not to lower the standards that KSBN has set forth, but rather in hopes that the Board will exhibit some level of flexibility on the rigidity of the proposed standards and pass rates given the challenges experienced over the past year by all Kansans and particularly nursing students. Thank you for your time and consideration.

Kansas Community College Presidents,

Butler County Community College	Cloud County Community College	Coffeyville Community College
Colby Community College	Fort Scott Community College	Highland Community College
Garden City Community College	Hutchinson Community College	Johnson County Community College
Neosho County Community College	Pratt Community College	Seward County Community College
Kansas City Kansas Community College		

BillTracker Display					
Jump to bill number: <input type="text"/> Go					
Displaying records 1 through 17 of the 17 bills in your tracking list					
Bill Number and Sponsor (sort)	Short Title	Current Status	Last Action (sort)	Groups	Clients
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
SB 10 by Richard Hilderbrand, R-13th	Enacting the right to earn a living act to minimize unnecessary occupational licensing and regulation	In Senate Commerce	1/20/2021 - Senate Scheduled Hearing in Commerce: Wednesday, 1/27, 10:30 AM, Rm 546-S		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
SB 14 by Senate Judiciary Committee Related bills: HB 2048	Extending certain provisions of the governmental response to the COVID-19 pandemic in Kansas and providing certain relief related to health, welfare, property and economic security during this public health emergency	Approved by Governor	1/25/2021 Approved by Governor Laura Kelly		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
SB 34 by Senate Federal and State Affairs Committee	Sunsetting administrative rules and regulations five years after adoption unless extended by the legislature	In Senate Federal and State Affairs	1/21/2021 - Senate Scheduled Hearing in Federal and State Affairs: Tuesday, 1/26, 10:30 AM, Rm 144-S		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
SB 137 by Senate Commerce Committee	Expanding the military spouse and service member's expedited licensure law to all applicants who have established or intend to establish residency in Kansas,	In Senate Commerce	2/17/2021 - Senate Scheduled Hearing in Commerce: Tuesday, 2/23, 10:30 AM, Rm 546-S		

	providing for licenses in an emergency declared by the legislature, allowing telemedicine by out-of-state healthcare providers and permitting the use of electronic credentials				
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
SB 168 by Senate Ways and Means Committee	Updating certain provisions of the prescription monitoring program act relating to program data, storage and access, increasing the membership of the advisory committee and providing for setup and annual maintenance fees for program data integration	In Senate Public Health and Welfare	2/9/2021 - Senate Referred to Public Health and Welfare		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
SB 174 by Senate Public Health and Welfare Committee	Updating scope of practice requirements for advanced practice registered nurses without a supervising physician, imposing requirements therefor and updating certain licensure requirements	In Senate Public Health and Welfare	2/10/2021 - Senate Scheduled Hearing in Public Health and Welfare: Thursday, 2/18, 8:30 AM, Rm 142-S		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
SCR 1609 by Senate Ways and Means Committee	Proposing a constitutional amendment that provides for legislative oversight of rules and regulations adopted by executive branch agencies and officials	In Senate Federal and State Affairs	2/25/2021 - Senate Referred to Federal and State Affairs		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2048 by House Federal and State Affairs	Extending certain provisions of the governmental	On General Orders in House	1/19/2021 - House Committee		

Committee Related bills: SB 14	response to the COVID-19 pandemic in Kansas and providing certain relief related to health, welfare, property and economic security during this public health emergency		Report recommending bill be passed as amended by Judiciary		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
Sub for HB 2066 by Chris Croft, R-8th	Expanding the military spouse and service member's expedited licensure law to all applicants who have established or intend to establish residency in Kansas	On General Orders in House	2/3/2021 - House Committee Report recommending substitute bill be passed by Commerce, Labor and Economic Development		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2086 by House Education Committee	Authorizing schools to maintain emergency medication kits and to administer such medication in emergency situations	In House Education	1/22/2021 - House Scheduled Hearing in Education: Tuesday, 1/26, 1:30 PM, Rm 218-N		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2087 by House Federal and State Affairs Committee	Limiting the review of certain rules and regulations by the director of the budget	In Senate Ways and Means	2/19/2021 - Senate Referred to Ways and Means		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2207 by House Health and Human Services Committee	Prohibiting certain licensed individuals from using conversion therapy on minors	In House Health and Human Services	2/4/2021 - House Referred to Health and Human Services		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2253 by House Appropriations Committee	Updating certain provisions of the prescription monitoring program act relating to	In House Appropriations	2/8/2021 - House Referred to Appropriations		

	program data, storage and access, increasing the membership of the advisory committee and providing for setup and annual maintenance fees for program data integration				
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2256 by House Health and Human Services Committee	Updating scope of practice requirements for advanced practice registered nurses without a supervising physician, imposing requirements therefor and updating certain licensure requirements	In House Health and Human Services	2/10/2021 - House Scheduled Hearing in Health and Human Services: Wednesday, 2/17, 1:30 PM, Rm 112-N		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2259 by House Health and Human Services Committee	Permitting the use of expedited partner therapy to treat a sexually transmitted disease	On General Orders in House	2/24/2021 - House Committee Report recommending bill be passed as amended, by Health and Human Services		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HB 2370 by House Commerce, Labor and Economic Development Committee	Prohibiting a criminal conviction from acting as a sole disqualification for occupational licensure and creating guidelines to follow when considering criminal convictions of an applicant for occupational licensure	In House Commerce, Labor and Economic Development	2/12/2021 - House Referred to Commerce, Labor and Economic Development		
Report Notes Private Notes Groups and Clients Position and Priority My Documents Omit from Display Delete					
HCR 5014 by House Appropriations Committee	Proposing a constitutional amendment that provides for legislative oversight of rules and	In House Judiciary	2/25/2021 - House Referred to Judiciary		

regulations adopted by executive branch agencies and officials				

Senate Concurrent Resolution No. 1609

By Committee on Ways and Means

2-24

A PROPOSITION to amend article 1 of the constitution of the state of Kansas by adding a new section thereto, concerning oversight by the legislature of certain executive branch actions.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 1 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 17. Legislative oversight of administrative rules and regulations. Whenever the legislature by law has authorized any officer or agency within the executive branch of government to adopt rules and regulations that have the force and effect of law, the legislature may provide by law for the revocation or suspension of any such rule and regulation, or any portion thereof, upon a vote of a majority of the members then elected or appointed and qualified in each house."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to provide the legislature with oversight of state executive branch agencies and officials by providing the legislature authority to establish procedures to revoke or suspend rules and regulations.

"A vote for this proposition would allow the legislature to establish procedures to revoke or suspend rules and regulations that are adopted by state executive branch agencies and officials that have the force and effect of law.

"A vote against this proposition would allow state executive branch agencies and officials to continue adopting rules and regulations that have the force and effect of law without any opportunity for the legislature to directly revoke or suspend such rules and regulations."

1 Sec. 3. This resolution, if approved by two-thirds of the members
2 elected (or appointed) and qualified to the Senate and two-thirds of the
3 members elected (or appointed) and qualified to the House of
4 Representatives, shall be entered on the journals, together with the yeas
5 and nays. The secretary of state shall cause this resolution to be published
6 as provided by law and shall cause the proposed amendment to be
7 submitted to the electors of the state at the general election in the year
8 2022, unless a special election is called at a sooner date by concurrent
9 resolution of the legislature, in which case it shall be submitted to the
10 electors of the state at the special election.

House Concurrent Resolution No. 5014

By Committee on Appropriations

2-24

A PROPOSITION to amend article 1 of the constitution of the state of Kansas by adding a new section thereto, concerning oversight by the legislature of certain executive branch actions.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 1 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 17. Legislative oversight of administrative rules and regulations. Whenever the legislature by law has authorized any officer or agency within the executive branch of government to adopt rules and regulations that have the force and effect of law, the legislature may provide by law for the revocation or suspension of any such rule and regulation, or any portion thereof, upon a vote of a majority of the members then elected or appointed and qualified in each house."

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"Explanatory statement. The purpose of this amendment is to provide the legislature with oversight of state executive branch agencies and officials by providing the legislature authority to establish procedures to revoke or suspend rules and regulations.

"A vote for this proposition would allow the legislature to establish procedures to revoke or suspend rules and regulations that are adopted by state executive branch agencies and officials that have the force and effect of law.

"A vote against this proposition would allow state executive branch agencies and officials to continue adopting rules and regulations that have the force and effect of law without any opportunity for the legislature to directly revoke or suspend such rules and regulations."

1 Sec. 3. This resolution, if approved by two-thirds of the members
2 elected (or appointed) and qualified to the House of Representatives and
3 two-thirds of the members elected (or appointed) and qualified to the
4 Senate, shall be entered on the journals, together with the yeas and nays.
5 The secretary of state shall cause this resolution to be published as
6 provided by law and shall cause the proposed amendment to be submitted
7 to the electors of the state at the general election in the year 2022, unless
8 a special election is called at a sooner date by concurrent resolution of the
9 legislature, in which case it shall be submitted to the electors of the state
10 at the special election.